

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-32 are pending in the application, with claims 1, 14, and 21 being independent. Applicant amends claims 1, 14, 15, and 21 to further clarify features of the claimed subject matter. The original specification and drawings support these claim amendments at least at page 8, lines 23-25. These revisions introduce no new matter.

Claim Rejections 35 U.S.C. §103 A. and B.

A. Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,887,141 (hereinafter "Trugman") in view of Sun Microsystem (Sun cluster 2.2 System Administration Guide) (hereinafter "Sun Microsystems"). Applicant respectfully traverses the rejection.

Independent Claim 1

Without conceding the propriety of the rejection and in the interest of expediting prosecution of the application, **independent claim 1** is amended and is believed to be in condition for allowance.

Independent claim 1 recites in part "*assigning each session to a command-line environment variable configured such that a plurality of commands can concurrently use the session by referring to the environment variable.*" Applicant respectfully submits that the rejection of claim 1 is moot in light of the amendment.

Applicant agrees with the Office that "Trugman fails to disclose that assigning each session to an environment variable configured such that a plurality of commands can

concurrently use the session by referring to the environment variable". (Office Action, page 3). The Office cites Sun Microsystems, pages 39-41, as disclosing this element. Applicant respectfully disagrees.

The cited portion of Sun Microsystems discusses a Cluster Console which is launched from the command line in a shell window. (Sun Microsystems, page 39). The Cluster Console of Sun Microsystems displays a small Common window that a user can use to control all the windows for each cluster node simultaneously. (Sun Microsystems, page 39). Sun Microsystems also discusses a cluster file that maps a cluster name to a list of host names that comprise the cluster (e.g., planets mercury venus earth mars). (Sun Microsystems, page 41).

In contrast, Applicant's amended claim 1 recites a command line environment variable. Even assuming for the sake of argument that the Cluster Console of Sun Microsystems provides a mechanism to simultaneously control a plurality of nodes, Applicant respectfully submits that the Cluster Console is not a command-line environment variable because the cluster console itself is launched from the command line in a shell window. (Sun Microsystems, page 39). It appears that the discussion in Sun Microsystems requires input sent to all nodes to be entered into the Common window. (Sun Microsystems, page 40). Thus, the Common window graphical user interface which appears when the Cluster Console is launched in Sun Microsystems is different from the command-line environment variable recited in Applicant's amended claim 1.

Independent claim 1 also recites in part "*wherein a command line environment receiving the command line environment variable is configured to execute commands on a local system **and** the remote system.*" Applicant respectfully submits that the rejection of claim 1 is moot in light of this additional amendment.

As discussed above Sun Microsystems discusses a Common window graphical user interface that is itself launched from a command-line environment. (Sun Microsystems, pages 39-40). Accordingly, there is no command line environment in Sun Microsystems with the elements recited in Applicant's amended claim 1 specifically, execution of commands both local and remote.

Trugman and/or Sun Microsystems, alone or in combination, do not disclose, teach, or suggest all the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent claim 9-10 depend from independent claim 1, and thus, are patentable as depending from a patentable base claim. These claims also patentable for their own recited features that, in combination with those recited in claim 1 are not disclosed, taught, or suggested by Trugman and/or Sun Microsystems alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejections.

B. Claims 11-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,887,141 (hereinafter “Trugman”) in view of US Patent Publication No. 2003/0177187 (hereinafter “Levin” further in view Sun Microsystem (Sun cluster 2.2 System Administration Guide) (hereinafter "Sun Microsystems"). Applicant respectfully traverses the rejection.

Independent Claims 14 and 21

Without conceding the propriety of the rejection and in the interest of expediting prosecution of the application, **independent claims 14 and 21** are amended along the lines of

independent claim 1 and are believed to be in condition for allowance. Applicant respectfully submits that the rejections of claims 14 and 21 are moot in light of the amendments.

Applicant agrees with the Office that "Trugman and Levin fail to disclose that assigning each session to an environment variable configured such that a plurality of commands can concurrently use the session by referring to the environment variable". (Office Action, page 8). The Office cites Sun Microsystems, pages 39-41, as disclosing this element. Applicant respectfully disagrees for the same reasons discussed in respect to independent claim 1.

Additionally, this rejection of these claims is moot because Trugman, Levin, and/or Sun Microsystems, alone or in combination, do not disclose, teach, or suggest "*a command line environment receiving the command line environment variable is configured to execute commands on a local system **and** the remote system,*" as recited in Applicant's amended claims 14 and 21 for the same reasons discussed in respect to independent claim 1.

Trugman, Levin, and/or Sun Microsystems, alone or in combination, do not disclose, teach, or suggest all the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

Dependent claim 11-13, 15-20, and 22-32 depend from one of independent claims 1, 14, or 21, respectively, and thus, are patentable as depending from a patentable base claim. These claims also patentable for their own recited features that, in combination with those recited in claims 11 and 21 are not disclosed, taught, or suggested by Trugman, Levin, and/or Sun Microsystems alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejections.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, is therefore, patentably

distinguishable over the cited references. For all of these reasons, Applicant respectfully requests withdrawal of the §103(a) rejection of claims 1-32.

Unexamined Subject Matter

Applicant has searched and failed to find any portion of the Office Action which addresses the recitation of "*wherein the environment variable is a variable maintained by a local command line environment and further the environment variable is configured such that the variable is used to share information between processes or applications*" recited in Applicant's claims 1, 14, and 21. This language was added to Applicant's claims in the Response submitted on February 24, 2009. Applicant submits that this portion of claims 1, 14, and 21 further clarifies differences between Applicant's "environment variable" and the Cluster Console of Sun Microsystems.

Applicant believes that failure to specifically address all elements of the submitted claims precludes establishment of a *prima facie* case of unpatentability. It is only after the USPTO makes a demonstration of unpatentability that the burden shifts to the applicant to rebut that showing. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)("[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability. If that burden is met, the burden of coming forward with evidence or argument shifts to the applicant.").

Accordingly, if the Office believes a subsequent Office Action is necessary to address the complete claim language and establish a *prima facie* case, Applicant respectfully requests that such Office Action be non-final.

Conclusion

For at least the foregoing reasons, claims 1-32 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully Submitted,
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Dated: July 8, 2009

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